

CITY BOARD OF ZONING APPEAL #2378

DATE: December 7, 2004

DATE SCHEDULED FOR PUBLIC HEARING: December 17, 2004

LOCATION: North of N. 79th Street and Yancy Drive.

ADDRESS: 7722 Yancy Drive

LEGAL DESCRIPTION: See attached.

APPLICANT: Troy Karsting
7722 Yancy Drive
Lincoln, NE 68528
(402)610-6587

LOT AREA: 8,025 square feet, more or less.

ZONING: R-2, Residential.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE AND ZONING:

North:	Residential, Public	R-2, P
South:	Single family	R-2,
East:	Single family	R-2
West:	Single family	R-2

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.71.110, L.M.C. allows decks 3 feet or less than the above grade to extend into a required rear yard. A variance from three (3) feet to nine (9) feet above grade is requested.

STAFF FINDINGS:

1. This is a request to rebuild a deck higher than the allowed height in the rear yard setback. The proposed deck projects the same distance as the original deck. The original deck was approved in 1992. This was an error at the time of inspection of the property.
2. The applicant indicated that the original deck needed to be rebuilt. They decided to increase the width of the deck, but maintain the same projection as the original deck. The original and proposed deck is 9' above grade. The original deck did

not meet the zoning ordinance requirement of 3' maximum height for decks that project into the required rear yard setback.

3. The lot appears to be similar to lots in the neighborhood.
4. The lot backs onto a detention pond, which means grades slope toward the pond. The grades may slope more than other lots in the neighborhood due to the proximity of the lot to the detention pond. Other lots backing onto the pond may have a similar situation, but it is unique to a small portion of the lots in the neighborhood. The house is a walkout, this is a typical situation with walkout lots, therefore, the situation seems to be more related to the fact this house has a walkout basement, more than differences in grade due to the detention pond. The grade changes to the property line can be seen in the attached photo.
5. The lot is on a radius of a curve, and it appears the rear yard is smaller than many of the other lots in the neighborhood. The two neighboring properties appear to have more rear yard than this property.
6. This is a fairly new neighborhood, with houses built in the 1990's. The Regent Heights neighborhood is not in a special permit for a community unit plan.
7. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
8. If this appeal were not granted, the owners may rebuild their deck outside the required rear yard setback at a height above three (3) feet and allow projections into the rear yard setback which do not exceed three (3) feet in height.

Prepared by

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Planner



Board of Zoning Appeals #2378 7722 Yancy Dr.

2002 aerial

Zoning:

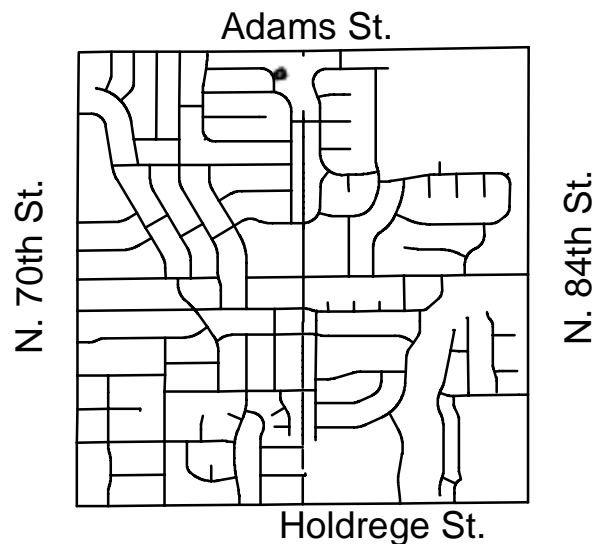
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 15 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.